

Docket No. F-8113

Ser. No. 10/767,048

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REMARKS

Applicant expresses appreciation to the Examiner for having allowed claims 2, 4 and 6-12.

Claim 5 is rejected as being anticipated under 35 USC § 102(b) by Moran (USPN 3672083).

In reviewing Moran, the reference teaches an inflatable figure or envelope 1 made of a translucent plastic material. Applicant has amended Claim 5 to recite:

"said blank, colorable area comprising a paper layer adhered to an exterior surface of said balloon body".

As the reference fails to teach such limitations, the claim is patentable thereover. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051 (Fed. Cir. 1987) ("a claim is anticipated only if each and every element as set forth in the claim" is found in the cited prior art reference); *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USP2d 1913, 1920 (Fed. Cir. 1989) (an anticipating reference must show "the identical invention...in as complete detail as is contained in the claim").

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Applicant respectfully requests a one month extension of time for responding to the Office Action. The fee of \$60.00 for the extension is provided for in the charge authorization presented in the PTO Form 2038, Credit Card Payment form, provided herewith.

If there is any discrepancy between the fee(s) due and the fee payment authorized in the Credit Card Payment Form PTO-2038 or the Form PTO-2038 is missing or fee payment via the Form PTO-2038 cannot be processed, the USPTO is hereby authorized to charge any fee(s) or fee(s) deficiency or credit any excess payment to Deposit Account No. 10-1250.

In light of the foregoing, the application is now believed to be in proper form for allowance of all claims and notice to that effect is earnestly solicited.

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Respectfully submitted,
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